

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
BASILIO CAISIP, ET AL., DEFENDANTS. BASILIO CAISIP, FRANCISOO
CAISIP AND LEOPOLDO GONZAGA, DEFENDANTS AND APPELLANTS.**

G.R. No. L-8798. July 30, 1959

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/25ee7adde28b/>

PADILLA, J.:

Basilio Caisip, Francisco Caisip, Ernesto' Caisip, Leopoldo Gonzaga, Francisco Susana and Jaime Lopez were charged with the crime of robbery in band with rape in the Court of First Instance of Cavite, to which charge they all pleaded not guilty. Bayani Susana and several other persons, who were together with the defendants when the crime was committed, have not been apprehended. After trial the Court found them except the last guilty under the provisions of paragraph 2, article 294, of the Revised Penal Code, with the concurrence of the aggravating circumstances of band and dwelling, and sentenced—

* * * each of them to reclusion perpetua, with the accessories of the law, and to indemnify jointly and severally Corazon Mendoza in the sum of P1 ,000.00, and Lepiña Lapidario in the sum of P517.00 without subsidiary imprisonment in case of insolvency, and to pay proportionately the costs of this action. (Crim. case No. 11473.)

After the prosecution had rested its case, the information as to Jaime Lopez was dismissed for lack of sufficient evidence to support his conviction.

Only Basilio Caisip, Francisco Caisip and Leopoldo Gonzaga have appealed.

The spouses Zoilo Mendoza and Lepiña Lapidario and their seven children lived in barrio Manalo, Dasmariñas, Cavite. In the evening of 22 November 1952 (Saturday), while Zoilo was away in Bataan, his wife and children who had retired at about 8:00 o'clock that evening, were awakened by the barking of dogs between 9:00 o'clock and 10:00 o'clock. Lepiña rose to find out why the dogs were barking and heard the sound of people going up the house. Corazon Mendoza, 15 years of age and the eldest of the couple's children, heard footsteps of people going up the house. The people coming up told the inmates of the house to open the door, for otherwise they would be killed. Because they refused to open the door they opened it themselves and entered the house. They crossed the sala and opened the door of the room, which was lighted with a kerosene lamp, where Lepina and her seven children who were seized with fear were huddled closely to each other. One of the men wearing a mask of handkerchief was shoved by his companions into the room, aimed his gun at Lepina and ordered them to separate from each other. The masked man took hold of Antonio Mendoza, the eldest son, pulled him out of the room, brought him to the balcony and left him there guarded by one of the men who carried a gun and held him by the neck and told him to lie down for otherwise he would be killed. Antonio recognized him to be Basilio Caisip. The same masked man who pulled Antonio to the balcony returned to the room where Lepina and her children were and tried to pull Corazon who clung tightly to her mother's hands. Sensing that the masked man had an evil design, her mother pleaded that her daughter be spared as she was "not yet a grown-up lady" and to pity them

because her daughter was sick. The masked man persisted in his evil design. Corazon and her mother resisted and grappled with him. While grappling his mask fell down and they recognized him to be Ernesto Caisip. When Ernesto succeeded in extricating Corazon from her mother's hold, he dragged her to the sala or to a part of the kitchen similar to a balcony, where Ernesto laid her down on the floor. Four of them held her by the arms, feet and neck, while two of them pulled down her drawers. Ernesto laid himself on top of her and succeeded in having carnal knowledge of her. While Ernesto was ravishing her, one of the men who was by her side covered her face with a hat and lighted a match. She wiggled her head and moved her body to disengage herself from their hold and the hat that they had put to cover her face fell off. She saw Leopoldo Gonzaga and Francisco Susana by her side. After Ernesto had satisfied his beastly urge, Francisco Susana took his turn, placed himself on top of her while the rest held her arms and feet, and succeeded in having carnal knowledge of her. After Francisco, four of them followed him in succession without interval. She did not recognize the last four because it was dark and she was weakened. As she did not have sexual experience and had not yet menstruated, she felt the pain and kept on struggling and screaming for help. The malefactors tried to muffle her voice by covering her mouth. Lepina heard her daughter's screams and was overcome with pity for her. She tried to rise and put down her sick child to come to her aid, but Leopoldo Gonzaga who was watching her kicked her and ordered her to lie down and keep quiet. Antonio who also heard his sister's voice crying for help could not come to her aid because Basilio Caisip who was guarding him told him to stay lying down and keep still. After the malefactors had criminally abused Corazon, they left her and went to the room where Lepina and the rest of her children were and ordered her to bring out her money and jewelry. When she answered that she had none, Francisco Caisip aimed his gun at her and threatened to shoot her if she would refuse to yield them. Then Francisco Caisip, Basilio Caisip, Ernesto Caisip, Leopoldo Gonzaga and Francisco Susana ransacked the room. When their efforts yielded nothing, Francisco Caisip took hold of Lepina. As she tried to disengage herself from him, the purse containing her money and jewelry tied to her right shoulder under her dress she was wearing dropped on the floor. When she tried to pick it up her sick child whom she was carrying fell from her lap. Francisco Caisip picked up the purse containing money amounting to P350, a pair of earrings and a ring which she bought for P6,000 in Japanese military war notes and a chain (cuintas) costing P38, Philippine currency. Afterwards the malefactors left bringing along with them five cavanos of palay belonging to the family. Lepina went to the place where Corazon was left by the malefactors and found her lying on her side smeared with blood flowing from her genitals, too weak to stand up. She brought her daughter to the room and changed her bloody dress. As she was dressing her up her son Antonio came in. The next day, Sunday, 23 November 1952, they packed up their belongings and transferred to Bacoar. The following Monday, 24 November she reported the incident to the PC headquarters at Imus. On 26 November 1952, Dr. Asisclo I. Osteria, president of the 9th sanitary division, Imus, Cavite, performed an internal examination on the body of Corazon and found the following:

- Whitish vaginal discharge.
- Both labia majora, and minora were congested.
- Vagina, hardly admit ring finger.
- There is marked congestion of the vaginal wall.
- There are distinct fresh lacerations of the hymen at 6, 3 and 9 o'clock.
- The microscopical examination of the whitish vaginal discharge in this case must be done for confirmation to look for spermatozoa, or of genococcal infection if any, but because of limited facilities, it was not done here. (Exhibit A.)

The three appellants denied having committed the crime imputed to them and they set up an alibi. Basilio Caisip

claimed that in the evening of 22 November 1952 he was at his house taking care of his wife who was to give birth to a child and never left the house. Francisco Caisip insisted that in the evening of that day he went to fetch Francisca de Quiros to assist at the delivery of the wife of his brother Basilio and never left the latter's house after fetching her except to run errands for his sister-in-law. Leopoldo Gonzaga claimed that from 4:00 o'clock in the afternoon of 22 November 1952 he was in Pasay City at the residence of his cousin Arcadio Geronimo who died on that day, keeping vigil over him, until the afternoon of 24 November 1952 when he was buried, and never left Pasay City until after the interment.

According to the two Caisip brothers, the reason they were implicated by the Mendozas in this case was because Zoilo Mendoza, husband of Lepiña, had suspected Francisco Caisip of stealing his plow blade and as the two brothers look almost the same, Zoilo must have mistaken Basilio for Francisco. Leopoldo Gonzaga could not think of any reason he was implicated by the complainants in this case. He declared that he had no quarrel with the Mendozas.

Antonio Mendoza, a boy of thirteen years, identified Basilio Caisip who held him by the neck, ordered him to lie down at the point of a gun and guarded him at the balcony while his sister was being ravished by the malefactors. Lepiña Lapidario testified that Basilio Caisip was one of those who ransacked the room of her house looking for money and jewelry.

Lepiña Lapidario declared that Francisco Caisip aimed a gun at her asking her to yield her money and jewelry; that he was one of those who ransacked the room of her house looking for money and jewelry; that he took hold of her violently when she refused to produce them; and that he picked up her purse containing the money and jewelry when it fell on the floor from her dress.

Corazon Mendoza identified Leopoldo Gonzaga as one of those who were by her side holding her arms and feet while Ernesto Caisip and Francisco Shisana were ravishing her.

The appellants' weak defense of alibi is not sufficient to overcome the positive identification made of them as the perpetrators of the crime by the witnesses, against whom they could not impute sufficient reason for pointing to them. On the other hand, it is their own witnesses who had reason to testify falsely in their favor. Francisco Caisip's wife is the god-daughter of Santiago Sangria's mother; while Sixta Gonzaga, being the sister of Leopoldo Gonzaga's father, is his aunt. Francisca de Quiros, after testifying that in the evening of 22 November 1952 she was fetched by Francisco Caisip to assist in the delivery of his sister-in-law, said on cross-examination that she did not remember the date when she was fetched for that purpose.

Counsel de oficio for the Caisip brothers insinuates that as it was dark in the balcony Antonio could not have identified Basilio. Antonio testified that Basilio had no mask on; that it was not dark in the balcony; that being from the same barrio he knew Basilio very well; and that they used to talk to each other before the incident. Counsel's assertion that Lepina Lapidario did not mention the names of Francisco and Basilio Caisip to the PC authorities in Imus when she reported the incident is belied by the sworn statement of Lepina herself (Exhibit 1-Gonzaga).

Counsel de oficio for Leopoldo Gonzaga claims that the crime was not committed by a band because only two of the malefactors were armed. Corazon Mendoza testified that the men more or less seven in number bore firearms; that Ernesto Caisip and Francisco Susana carried short and long arms, respectively; and that she saw Francisco Susana's firearm as he began to abuse her. Further, the same counsel contends that paragraph 2, article 294, of the Revised Penal Code, which provides:

The penalty of reclusion temporal in its medium period of reclusion perpetua, when the robbery shall have been accompanied by rape or intentional mutilation, or if by reason or on occasion of such robbery, any of the

physical injuries penalized in subsection 1 of Article 263 shall have been inflicted,

"refers to those cases where rape was planned as part and parcel of the robbery or committed after the robbery or after, an attempt at robbery has been made. When rape was the principal crime with robbery being a mere after thought, the crime committed are two separate and distinct crimes, and liability in the absence of conspiracy is determined and measured by each individual conduct;" and that granting that Leopoldo Gonzaga had been sufficiently identified as one of those who committed the rape, conspiracy not having been proven and he not having been sufficiently "identified as one of those who took the money, jewelries and sacks of palay, there arises a doubt as to whether he was still in the locality of the dwelling of the victims during the time the robbery was being committed." Counsel concludes that he should be acquitted. Taking into consideration that the crime of robbery with rape was committed in band and the manner the crime was perpetrated, the logical inference is that the defendants had conspired to commit the crime of robbery in band with rape. Leopoldo Gonzaga is, therefore, as guilty as his co-conspirators. Moreover, paragraph 2, article 294; of the Revised Penal Code does not differentiate whether the rape was committed before, during or after the robbery.

It is enough that robbery shall have been accompanied by rape to be punishable under the aforementioned provision.

The judgment under review is affirmed, with the proportionate costs against the appellants

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, Endencia, and Barrera, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.